



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

April 12, 1954

B-116963

Honorable J. M. Johnson, Chairman

Interstate Commerce Commission

Dear Mr. Chairman:

Reference is made to your letter of February 16, 1954, wherein you state that due to erroneous administrative actions an employee has been overpaid the sum of \$233.57, and that the Commission is willing to forego collection of the overpayment if it is within its authority to do so.

It is reported that an employee of the Commission was given a promotion effective February 3, 1952, from GS-3 to GS-4, at which time he was receiving a per annum salary of \$3,590, the second longevity step in grade GS-3; that, upon being promoted to GS-4, he inadvertently was given the salary of \$3,735, the first longevity step in GS-4, instead of \$3,655, the top step in that grade. It is stated further that, at the end of 52 calendar weeks of service, the employee was given a periodic step increase to the second longevity step in GS-4 or \$3,815, which action also was in error. Upon discovery of said erroneous actions correction was made and the employee's salary properly established at the top step of GS-4, \$3,655, effective January 17, 1954. You point out that the employee was not aware of the erroneous payments, and that refunding

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of the amount of the overpayment which amounts to \$233.57, together with the reduction in salary would result in a hardship to the employee.

You are advised that the increases granted to the employee clearly were in violation of section 802(b) of the Classification Act of 1949, as amended, 5 U.S.C. 1132, and this Office is without authority to waive recovery of the illegal payments even though the employee may have been without fault in the matter. See 29 Comp. Gen. 75. Accordingly, the amount of the overpayment should be collected back from the payee. In order to alleviate any hardship on the employee, the refunds may be spread over a reasonable period of time to be fixed by the Commission.

Sincerely,

FRANK H. WEITZEL

Acting Comptroller General
of the United States

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OFFICE OF PERSONNEL